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UNITED STATES MAGISTRATE COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. 3 05 70552
)	
Plaintiff,)	[PROPOSED] ORDER AND
)	STIPULATION FOR CONTINUANCE
v.)	FROM NOVEMBER 18, 2005 TO
)	DECEMBER 16, 2005 AND EXCLUDING
SHEILA WHITTENBERG,)	TIME FROM THE SPEEDY TRIAL ACT
)	CALCULATION (18 U.S.C. §
Defendant.)	3161(h)(8)(A)) AND WAIVING TIME
)	LIMITS UNDER RULE 5.1

With the agreement of the parties, and with the consent of the defendant, the Court enters this order scheduling an arraignment or preliminary hearing date of December 16, 2005 at 9:30A.M. before the duty magistrate judge, and documenting the defendant's waiver of the preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b), from November 18, 2005 to December 16, 2005. The parties agree, and the Court finds and holds, as follows:

1. The defendant has been released on her own recognizance.
2. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(B)(iv) to provide continuity of counsel and reasonable time necessary for effective preparation, taking into account the exercise of due diligence.
3. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for

1 preliminary hearing.

2 4. Counsel for the defense believes that postponing the preliminary hearing is in his
3 client's best interest, and that it is not in his client's interest for the United States to indict the
4 case during the normal 20-day timeline established in Rule 5.1.

5 5. The Court finds that, taking into the account the public interest in the prompt
6 disposition of criminal cases, these grounds are good cause for extending the time limits for a
7 preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances,
8 the Court finds that the ends of justice served by excluding the period from November 18, 2005
9 to December 16, 2005, outweigh the best interest of the public and the defendant in a speedy
10 trial. § 3161(h)(8)(A).

11 6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary
12 hearing date before the duty magistrate judge on December 16, 2005, at 9:30A.M., and (2) orders
13 that the period from November 18, 2005 to December 16, 2005 be excluded from the time period
14 for preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial
15 Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

16
17 IT IS SO STIPULATED:

18
19 DATED: November 17, 2005

_____/s
RON TYLER
Attorney for Defendant

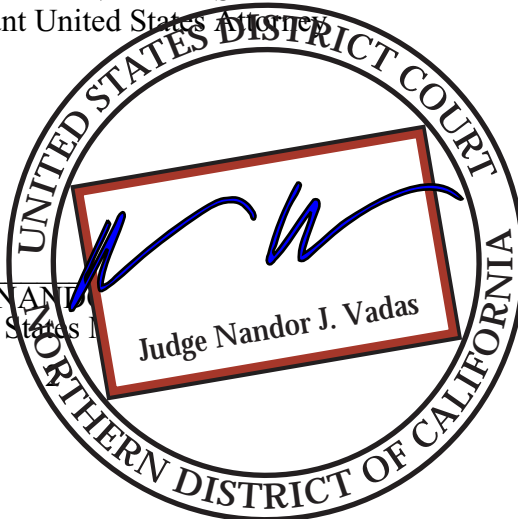
20
21
22 DATED: November 16, 2005

_____/s
ROBERT DAVID REES
Assistant United States Attorney

23
24
25 IT IS SO ORDERED.

26
27 DATED: November 18, 2005

HON. NANDOR J. VADAS
United States District Judge



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